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EXAMINER				
HEIDER, SHANTELL LAKETA				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

portfolio prosecution@rim.com
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Office Action Summary

Application No.

10/787,300

Applicant(s)

RAO ET AL.

Examiner

SHANTELL HEIBER

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8, 12-14, 16 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 12-14, 16 and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/2/09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11/16/2009 have been fully considered but they are not persuasive.

Upon further consideration of the Noel reference, the examiner would like to point out that Noel discloses all limitations of claims 1 and 12 (similarly claims 21 and 24). For example, the applicant argues ***based on the above discussion, 1) neither of Noel or Zellner discloses the particular limitation of "the TCRM including a qualifier flag at least when the TCRM is forwarded to the second user device"***. (See applicant's remarks/arguments, page 3-5) The examiner respectfully disagrees. According to applicant's specification page 16, lines 17-24, *the qualifier flag 53 contains information which may be indicative of, but not limited to the following: a state of the RHD device, the nature of the call, or the nature of the TCRM. In a specific preferred embodiment, the qualifier flag 53 may exhibit one of four machine readable values which indicate the following: Flag value 1 - RHD device making talk channel request; Flag value 2 - RHD device making a continuous talk channel request; Flag value 3 - RHD device terminating/canceling previous request; Flag value 4 - RHD device making high priority request for talk channel.* Likewise, Noel teaches a call participant (***i.e., first user device***) uses an interrupt button to request the ability to speak (***i.e., TCRM, also see paragraph [0002]***). The PTT server 140 sends a message to the current speaker (***i.e., second user device***) that one of the call participants wants to interrupt the call on an urgent basis. **The message forwarded to the current speaker is the message**

sent from the call participant via the PTT server 140 requesting to interrupt the call which is equivalent to applicant's claimed TCRM forwarded to the second user device. As mentioned in applicant's specification, described above, the qualifier flag may indicate: Flag value 1- RHD device making talk channel request. Noel teaches the call participant currently in a receiving in half duplex mode, currently receiving speech from the current speaker, making a talk channel request as described above, therefore, Noel teaches the TCRM including a qualifier flag, where the call participant is the RHD device. After the message is received by the mobile device 110 of the current speaker, the current speaker has the option of allowing the call participant initiating the request to speak or placing the call participant into the queue. If the current speaker elects to allow the call participant initiating the interrupt request to speak, the call participant is granted the ability to speak by the PTT server 140. The current speaker currently in a transmitting in half duplex mode, currently transmitting speech to the call participant, performs extended functionality of automatically releasing the transmit channel by the THD device where the call participant has been granted the ability to speak in response to sending the talk channel request, where the current speaker is the THD device. If the call participant is not granted the ability to speak then the caller is placed in the queue to await her turn based on the assigned priority level. See paragraph [0025].

Therefore, according to the above examiner's response and the previous presented rejection with respect to Noel, Noel discloses all limitations as described in Claims 1 and 12 (Similarly Claims 21 and 24).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 and 6-8, 12-14, 16, and 19-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Noel et al. (Noel), U.S. Publication No. 2005/0032539.

Regarding Claims 1, 12 and 21-24, Noel discloses a method, a user device, a network, a system and a memory of messaging during an active half-duplex session between a plurality of user devices capable of half-duplex voice functionality **(PTT calls use a half-duplex communications system and therefore, only one person can have the ability to speak at a time; [0004])**, the method, the user device, the network, a system and a memory comprising:

a first user device **(requesting call participant)** of said plurality of user devices while in a receiving in half-duplex (RHD) mode for an active half-duplex session **(the call begins when the call originator presses the appropriate button, e.g., a PTT button, on a wireless phone and begins speaking)**, transmitting a transmit channel

request message (TCRM) to a network, the TCRM indicating a request from the user device to transmit on the transmit channel **(as the call progresses, a participant may want to speak while another participant is currently speaking. The participant wanting to speak sends a request (TCRM) to speak, also see paragraph [0002]);**

the network forwarding the TCRM to a second user device **(the PTT server sends a message to the current speaker that one of the call participants wants to interrupt the call)** of said plurality of user devices while the second user device is in a transmitting in half-duplex (THD) mode for the active half-duplex session;

the TCRM including an identification of the first user device **(the participants identities are transmitted to the PTT server and stored);**

the TCRM including a qualifier flag at least when the TCRM is forwarded to the second user device **(see examiner's response above);**

the second user device receiving the TCRM **(the PTT server sends a message to the current speaker that one of the call participants wants to interrupt the call);** and

the second user device performing extended functionality in response to a value of the qualifier flag **(the current speaker has the option of allowing the call participant initiating the request to speak or placing the call participant into the queue),**

wherein the extended functionality comprises *at least one* functionality selected from the group consisting of:

- a) registering a continuing transmit channel request at the THD device;

- b) canceling a transmit channel request at the THD device; and
- c) performing automatic release of the transmit channel by the THD device

(allowing the requesting call participant to speak)

See paragraphs [0023]-[0025].

Regarding Claims 2 and 13, Noel discloses wherein each user device of the plurality of user devices is a wireless device **(the mobile device 110 is shown in Figure 1 as a wireless phone; [0019])**.

Regarding Claims 3 and 12, Noel discloses further comprising the first user device locally receiving a request to transmit the TCRM **(the call participant presses an interrupt button on mobile device 110; [0025])**.

Regarding Claim 16, Noel discloses wherein the outgoing TCRM comprises an identification of the user device. **(after the participants for the call, call group, are selected, their identities and priority level are transmitted to the PTT server 140 for storage; [0024])**.

Regarding Claims 6 and 12, Noel discloses further comprising: the second user device in response to receiving the TCRM generating a user-detectable notification indicating the second user device has received the TCRM. **[0025]**.

Regarding Claim 7, Noel discloses further comprising: the second user device generating user-detectable notification indicative of the identification of the first user device **(see rejections for claim 6)**.

Regarding Claim 8, Noel discloses further comprising: the network, upon receiving the TCRM from the first user device, determining a talk group the first user

device is participating in, determining another user device in the talk group that is in THD mode, which another user device is said second user device (**see rejection for claim 1**).

Regarding Claim 14, Noel discloses wherein the active half-duplex session is a push-to-talk.TM (**the mobile device has a push to talk button**) half-duplex voice communication session. **[0004] and [0022]**.

Regarding Claim 20, Noel discloses wherein the request for the performance of extended functionality indicated by the TCRM comprises at least one functionality selected from the group consisting of: a) registering a continuing transmit channel request at the THD device; b) canceling a previously received transmit channel request at the THD device; and c) performing automatic release of the transmit channel by the THD device. **[0025]**.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noel in view of Stubbs, U.S. Patent No. 6,930,994.

Regarding Claim 4, Noel discloses wherein the half-duplex session is a voice communication session as described above.

Noel fails to specifically disclose wherein the half-duplex session is a voice communication session compliant with at least one system selected from the group of iDEN.TM., 1XRTT CDMA, GSM/GPRS, UMTS, and TDMA.

In a similar field of endeavor, Stubbs discloses a dynamic allocation of radio resources in a packet switched communications system. Stubbs further discloses wherein the half-duplex session is a voice communication session compliant with at least one system selected from the group of iDEN.TM., 1XRTT CDMA, GSM/GPRS **(i.e., GSM-type mobile communications system using a General Packet Radio Service (GPRS) data link)**, UMTS, and TDMA **(Abstract)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings as described by Noel with the teachings described by Stubbs to arrive at the claimed invention for providing a half-duplex video conferencing call between two parties or in a dispatch mode between groups of call participants wherein operable in both a GPRS virtual connection mode and a conventional circuit-switched mode.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Metais et al., U.S. Patent No. 7,136,663 discloses a method for controlling a communications channel shared by several stations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantell Heiber whose telephone number is (571)272-0886. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edouard Patrick can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. H./
Examiner, Art Unit 2617
January 31, 2010

/HUY PHAN/

Primary Examiner, Art Unit 2617